IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 390 OF 2007

Sandesh Bibhishan Ghadge] .. Petitioner

Versus

1. State of Maharashtra & 3 ors.] .. Respondents

Mr. R.K. Mendadkar and Ms. H.K. Mandlik for the petitioner.

Mrs. S.S. Bhande, AGP, for the respondents No.1 & 2.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 16TH OCTOBER, 2007

P.C. :

1. By this petition, the petitioner challenges the order of the Caste Scrutiny Committee (communicated to the petitioner on 12th December, 2006) rejecting the petitioner's claim of belonging to Mahadeo Koli scheduled tribe caste.

2. We have perused the copy of the order, the copy of the report of the Vigilance Cell as also the copies of other documents annexed to the petition. The documents disclose that the petitioner's father, who was born on 13th January, 1942, reported his caste as Hindu

Koli while taking admission to the school on 7th August, 1950. Similarly, the petitioner's paternal aunt Sakharbai Mahadeo Koli, another paternal aunt Nagarbai Mahadeo Koli and another paternal aunt Kalawati Dattu Ghadge also declared their caste as Koli while taking admission in the schools on 11/12/1951, 1/9/1955 and 8/7/1959 respectively and their castes were so recorded in the school register. Thus from the year 1950 to 1959 continuously the paternal relatives of the petitioner disclosed and asserted their caste as Hindu Koli and not as Hindu Mahadeo Koli. Certified copy of the first page of the service book also shows the caste of the petitioner's father as Hindu Koli.

3. According to the petitioner, though the caste of the petitioner's father was initially declared and recorded in the school register to be Hindu Koli, subsequently the petitioner's father made an application to the school for change of the entry of his caste and the caste entry was changed from Koli to Mahadeo Koli in the year 1963. This particular change which has been effected 13 years after the Presidential Order of 1950 obviously was made for the purpose of claiming benefits conferred on Mahadeo Kolis. No explanation has been offered why the caste of the petitioner's father and of his aunts was declared and noted as Koli between the

years 1950 to 1959. The declaration of the caste by the petitioner's father as Hindu Koli in the school is in close proximity of the Presidential Notification and has a greater probative value. Similarly, the entries about the caste of petitioner's aunts also are more proximate to the Presidential Notification and, therefore, have a more probative value than the entry in respect of the caste of petitioner's uncle which has been made in the year 1962.

5. In our view, the Caste Scrutiny Committee has carefully considered all the relevant facts and has come to the conclusion that the petitioner's caste is not Hindu Mahadeo Koli. We see no error or perversity in the decision of the Caste Scrutiny Committee.

6. Accordingly, the Writ Petition is rejected.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]